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THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

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AMARAVATI, TUESDAY , MAY 29, 2018

G.158

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc., DIRECTOR GENERAL, APSPF, GUNTUR.

REVISION PETITION IN R/O SRI M. RAVI BABU, EX CT-2459 OF APSPF - CONSIDERED AND REJECTED - ORDERS.

Ref:-

- 1) Proceedings of the Commandant-I, O/o the DG, APSPF, Secunderabad vide Rc.No. APSPF/A3/PR/26/2011-15, O.O.No.A-275/2015, Dated: 26.09.2015.
- 2) Appeal Petition of the individual, dated: 16.10.2015.
- 3) Appeal Proceedings of the DIG, O/o the DG, APSPF vide Rc.No.A3/PR/26/APSPF/2011-16, O.O.No.A-26/2016, Dated: 18.02.2016.
- 4) OA No.6791 of 2015 in APAT.
- 5) Revision Petition of the individual, dated: 21.01.2017.
- 6) High Court of the Judicature at Hyderabad order dated 13.06.2017 in WP No. 18993/2017.
- 7) Show Cause Notice vide Rc.No.APSPF/A3/PR/26/2011- 17, Dated: 30.06.2017.
- 8) Lr.No.CC.No.702/ 18/KRL/G.P.for Ser.A.P./HC, Dated: 17.04.2018 of the G.P. for Services (A.P)
- 9) M. Ravi Babu Ex-Ct-2459 representation dated 17.2.2018.

Rc.No.APSPF/A3/PR/26/2011-18, O.O.No. A-39/2018 :-, A Show Cause Notice was issued under Rule 40 (b) of APCS (CC&A) Rules 1991 vide reference seventh cited to submit his explanation as to why the penalty should not be enhanced. The show cause notice cited *the threat to eliminate senior officers if not reinstated into service among others.*** The gist follows:**

"After imposing penalty of "Compulsory retirement from Service" he engaged in tele-conversation with a Head Constable of AP High Court and conspired to kill the SPF senior Officers, if he was not taken on duty, setting aside your punishment."

***"B.Anjaneyulu
(HC-1533 working at
High Court Hyderabad)***

Ravi, please listen one thing, if we do not succeed in this., if you all agree we will stab them indiscriminately all these bastards who ever so comes in our way., but this should be done 100% at any cost

***M.Ravi Babu
(Ex CT-2459 CRS
Constable)***

Yes

***B.Anjaneyulu
(HC-1533 working at
High Court Hyderabad)***

If we really bom on the soil of Prakasam Dist, what these bastards will do, how many days will they suffer us. If they don't take you all for duty, one of the fellows among Rami Reddy gadu, DNA Basha gadu, Sankar Rao gadu will be khatham (eliminated).

***M.Ravi Babu
(Ex CT-2459 CRS
Constable)***

Okay, you plan it first; I will speak to everyone by contacting through phone. "

(Audio tape is available in the file)

"You have circulated the above conversation record among SPF men through social media particularly WhatsApp so as to spread disaffection among serving members of SPF personnel.

APSPF is a disciplined armed force and spreading disaffection in such a force using electronic means, is transgression of basic norms of code of conduct as enscribed in CCA rules, 1991". A case was registered in Alipiri Police Station U/s 506 IPC r/w 34 IPC in Cr.No. 115/2017, Dated: 15.05.2017.

But reply to this Show Cause is still awaited.

2) As a Head of Department (HOD) of this Armed Force, I felt that it is necessary not to dispose off this revision petition without hearing the version of the applicant to the contents of Show Cause Notice. Also, any hasty disposal may endanger the lives of senior SPF officers named by the applicant (Sri B.V.Ramireddy, Commandant, Tirupathi; Sri D.N.A.Basha, Commandant, Rajamahendravaram Zone; Sri M.Sankar Rao, Asst. Commandant Tirupathi) in his audio tapes to be eliminated if the applicant is not reinstated into service. There is a clear need to balance the interests of the organization against individual need for speedy decisions without reply.

3) However, without replying to Show Cause Notice, the applicant moved the High Court to issue contempt notice to comply with its order in W.P. No. 18993 of 2017 wherein the High Court asked the revision authority shall dispose the revision petition filed by the petitioner as expeditiously as possible preferably within a period of 4 weeks from the date of receipt of the copy of the order.

Therefore it has been decided to dispose off the revision petition without taking into account the contents of the Show Cause Notice and purely based on the documentary evidence on record in the file.

4) In the reference first cited, the Commandant-I, APSPF, has awarded Sri M. Ravi Babu, Ex CT-2459 of APSPF with a penalty of "Compulsory Retirement from Service" with immediate effect under Rule 9 (viii) of APSCS (CC&A) Rules 1991 as the following Articles of Charge were proved during the course of Oral Enquiry: -

Article I: That the said Sri M. Ravi Babu, CT-2459, SPF, Vijayawada was detailed for night guard duty on 10.05.2011 commencing from 20.00 Hrs 11/05/2011 at 08.00 Hrs at Indian Bank Currency Chest, Vijayawada. But he did not turn up for duties and unauthorisedly absented for duties w.e.f. 10.05.2011 AN to 12.05.2011 AN. He appeared before the Inspector, SPF, Vijayawada without shaving his beard that too in mufti having consumed liquor on 12.05.2011 at 18.00 Hrs and asked to take him for duties. He was sent to Govt. Hospital, Vijayawada, where the Medical Officer has examined and issued certificate of drunkenness that "the breathing smell of M. Ravi Babu, CT-2459 is alcoholic*.

Article-II: That the said Sri M. Ravi Babu, CT-2459, SPF, Vijayawada has to attend to his duties on 13.05.2011 FN. But he did not turn up for duties and unauthorisedly absented for duties without any intimation to his superiors from 13.05.2011 FN to 03.06.2011. During his continuous absence he failed to intimate his whereabouts to his superiors. Subsequently, he was placed under suspension vide proceedings Rc.No.A3/PR/26/SPF/2011, O.O.No.A- 362/2011, Dated: 03.06.2011 and he was revoked from suspension vide Rc.No.A3/PR/26/SPF/2011, O.O.No.A-648/2011, Dated: 05.09.2011. On his personal appearance he was taken to duty on 14.09.2011 FN.

5) In fact, the individual while reporting for duty came drunk, which was proved beyond any reasonable doubt, which was considered as a grave misconduct in the Armed Force, as no drunken person can be assigned with the duties with a weapon as it would be dangerous to public safety.

6) Vide reference second cited, Sri M. Ravi Babu, Ex CT-2459 of APSPF has submitted an appeal petition to the Appellate authority i.e. Dy. Inspector General, APSPF which was considered and rejected as this was the case of grave misconduct and he earned many penalties in his past service also, vide reference third cited.

7) Vide reference fourth cited, Sri M. Ravi Babu Ex-CT-2459 filed an O.A. No.6791/2015 before the Hon'ble APAT, against the order passed by the Appellate Authority Order dated 18.02.2016, which is pending for disposal.

8) Vide reference fifth cited, Sri M. Ravi Babu, Ex CT-2459 of APSPF has submitted a revision petition to the revision authority i.e. the Director General, A.P. Special Protection Force.

9) The applicant represented in the revision petition that, he had absented for duties, as he was denied with leave in order to attend his ailing mother. As per the records on file, he has not applied for any leave. Also the applicant has not cross examined the inspector to show whether he indeed applied for leave and whether it was denied. No cross examination was done, when adequate opportunity was given. This shows that, the reason stated above is only an afterthought.

10) The applicant represented in the revision petition that, he was not allowed to do duty by the Inspector, SPF, Vijayawada and he did not absent for duties. The applicant has turned up for duties in drunken state as certified by the Government Medical Officer. **It is clearly dangerous to public safety to take drunken persons to perform duties with Arms safe guarding crores of public money in currency chest. Therefore, the Inspector has done his duty to send him for medical examination and not assigned any duty.** APSPF charges Rs. 58,000/- per Constable per month towards the cost of providing security to the bank. Any serious lapses like these will jeopardize the basic mission of this disciplined force.

11) The applicant represented in the revision petition that, The Doctor without examination gave medical certificate. The Ex-CT-2459 in Proceeding-II during the course of oral enquiry stated that, he has no wish to cross examine the witnesses and he has no defense witness and documents. If the doctor gave medical certificate without examining him, he might have asked the enquiry officer to examine the medical officer, during the process of Enquiry and to cross examine him in his defense. But he didn't choose to do. Instead he admitted the medical certificate as true. Therefore, this contention of petitioner is not valid.

12) The applicant represented in the revision petition that, The Enquiry Officer was in the cadre of Inspector and therefore he was influenced to submit

the OE report against him i.e., applicant. It is pertinent to mention here that, during the course of Oral Enquiry the Ex-CT-2459 agreed by stating that, he has no objection in holding the enquiry by the Inspector rank officer and also stated that he has nothing to say before proceeding with the enquiry. So the applicant contention cannot be relied upon.

13) The applicant represented in the revision petition that, for 2 days absence, the extreme punishment of Compulsory Retirement cannot be imposed. Here it is not the question of absenting the duties for a period of two days but it a matter of more severity that the applicant has turned up for duties in drunken state as certified by the Government Medical Officer, besides his record of service have been appropriately considered.

14) The Ex-CT-2459 submitted affidavit in the Hon'ble High Court that, the authorities issued memorandum Rc.No.A3/PR/26/SPF/2011-12 dated 29.02.2012, cancelling the charge memo dated 03.08.2011 with a direction to issue a fresh charge memo and without issuing any charge memo after cancelling the charge memo issued in Rc.No.A3/PR/26/SPF/2011, dated 03.10.2011, an enquiry officer was appointed vide order dated 02.08.2014 to conduct an enquiry. However records on file show that, an Article of Charge was framed against him vide Rc.No.A3/PR/26/SPF/2011, Dt: 03.08.2011 for a delinquency of absenting for duty on 10.05.201 IAN and appearing before the Inspector SPF Vijayawada after two days i.e. 12.05.201 IAN in intoxicated condition, without shaving beard and that too in mufti dress where the Govt. Medical Officer examined him and certified that he was in drunken state.

15) Consequently, he became absent for duties from the very next day i.e. 13.05.2011FN without any intimation and since this misconduct (willful absence from duty) was not incorporated in the above Article of Charge, it was cancelled and a fresh article of charge was framed against him vide Rc.No.A3/PR/26/SPF/ 2011-12, Dt: 29.02.2012 with two Articles. The fresh Memorandum of Charge was served to Ex-CT-2459 and it was acknowledged by him on 11.03.2012. Later he was issued with a reminder vide Rc.No.A3/PR/26/SPF/2011-12, Dt: 26.05.2012 to submit his explanation within seven days. Quoting the reference of the fresh memorandum of charge, the Ex-CT 2459 M.Ravi Babu vide his letter dated 21.06.2012, requested to supply documents mentioned in the Memorandum of Charge. Accordingly the total documents have been supplied to him. Later an inquiry officer has been appointed for oral enquiry. So it is very clear that, the O.E was conducted duly in accordance with the procedure laid down in CCA Rules 1991 and every reasonable opportunity was given to the applicant i.e., Ex-CT M. Ravi Babu.

16) The applicant in his submission dated 17.02.2018 requested to take him on duty excusing minor mistakes, that he committed and saying that his family needs income. I am glad that disciplinary authority has been considerate in giving Compulsory Retirement so that the applicant can draw eligible pension, retirement benefits including medical expense reimbursement throughout his life. However

the applicant chose not to put in petition for claiming the eligible pension and other benefits even though such claims will not in any way abridge his rights in pursuing revision / mercy petitions. Therefore this contention cannot be reasonable ground to reinstate.

17) In the affidavit to Hon'ble High Court, the applicant stated that because he was an active participant in the union activities they developed grudge against and decided to harass him for one reason or the other.

APSPF is a disciplined armed force constituted through an act of the State of Andhra Pradesh (Act No: 25 of 1991, Dt: 23.10.1991). No union activities are permitted among the members of this armed force under the Act There was no union in the past, there is no union in the present and there will be no union in the future. So his participation and consequent harassment are only figments of his imagination.

18) APSPF is an armed force and deploys its strength to various vital installations on payment basis. We conduct daily Roll calls, Orderly Rooms and Darbars periodically and issue instructions to all Constables, Head Constables etc., a) to attend duty in proper uniform, b) not to attend to duties in intoxicated condition etc., These instructions are following in APSPF from its induction. Despite repeated instructions, Ex.CT-2459 attended to his legitimate duties without proper turn-out, and in intoxicated condition, which is a grave misconduct in Armed force.

19) I have carefully considered his service record before arriving at decision. His record shows that he has 8 punishments for various delinquencies. Particularly, the applicant **was arrested by the Prakasam district Police vide FIR No: 82/2011, dated 30.07.2011 U/s 384-IPC & 34-IPC of Naguluppalupadu PS, Prakasam District, for collecting money from truck drivers by posing himself as Police misusing his uniform. He was arrested and sent for 15 days judicial remand.** The same was widely published in the local news papers causing irreparable damage to the fair reputation of the SPF. This clearly shows criminal inclinations on the part of this applicant.

20) Having carefully considered all aspects of revision petition, I find the penalty of "**Compulsory Retirement from Service**" is quite appropriate and just and therefore the revision petition is rejected.

MADIREDDY PRATAP,
Director General,
AP Special Protection Force,
Guntur.

Date : 18-04-2018

To
M. Ravi Babu, Ex CT-2459 of APSPF R/o 4-65, Sattayapalem,
Chinaganjam Post & Mandal, Prakasam District.